

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of ) **MAIL STOP AMENDMENT**  
Robert TALBOT et al. )  
Application No.: 10/588,474 ) Group Art Unit: 1628  
Filed: November 14, 2008 ) Examiner: Theodore R. West  
For: SYNERGISTIC COMPOSITIONS ) Confirmation No.: 8786  
)

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Examiner has required an election of species from among the various biopenetrants, including the polymers, (e.g., a specific polyacrylate or acrylate/sulphanate).

In response to the Election Requirement, Applicants hereby elect with traverse the VPA end-capped polymer of page 3, lines 13-15.

The Election of Species Requirement has been traversed because an election of species normally presupposes that no generic claim is allowable and, at present, no art has been adduced that would militate against the allowance of a generic claim in this application. Accordingly, Applicants respectfully request reconsideration of the Requirement for Election of Species and examination of all of the claimed subject matter on the merits.

Applicants further traverse the Election of Species Requirement on the grounds that the generic claims are not so broad as to place an undue burden on the Patent Office to search and examine the full scope of the claims. Rather, Applicants respectfully assert that search and examination of the entire application could be